

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

RODERICK CLARK MILLER

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:07cv541LG-JMR

HARRISON COUNTY, MISSISSIPPI, by and through
its Board of Supervisors, HARRISON COUNTY
SHERIFF DEPARTMENT, SHERIFF GEORGE
PAYNE, officially and in his individual capacity,
DIRECTOR OF CORRECTIONS MAJOR DIANNE
GATSON-RILEY, officially and in her individual
capacity, BOOKING SUPERVISOR CAPTAIN RICK
GASTON, officially and in his individual capacity,
TRAINING DIRECTOR CAPTAIN PHIL TAYLOR,
officially and in his individual capacity, CENTRAL
CONTROL OFFICER PRESTON WILLS, officially
and in his individual capacity, BOOKING ROOM DEPUTY
JERRED MARK NECAISE, officially and in his individual
capacity, BOOKING ROOM DEPUTY CATHERINE
PAVOLINI, officially and in her individual capacity,
AMERICAN CORRECTIONAL ASSOCIATION, and
OTHER UNKNOWN JOHN and JANE DOES A-Z, also in
their official and individual capacities

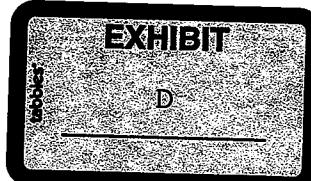
DEFENDANTS

**AFFIDAVIT IN SUPPORT OF
MOTION TO COMPEL OF JON S. TINER, ESQ.**

Affidavit in support of Motion to Compel against Plaintiff, Roderick Clark Miller:

Jon S. Tiner, who being by me first duly sworn, upon information and belief, states
the following:

1. That I am an attorney for the Defendants, Sheriff George Payne, Jr., in his official and individual capacity, Harrison County Sheriff's Department, Dianne Gatson-Riley, in her official and individual capacity, Phil Taylor, in his official and individual capacities, Catherine Pavolini, in her official and individual capacities, and Preston Willis, in his official capacity only.



2. The Plaintiff, Roderick Clark Miller, filed his Complaint against the Defendants, George Payne, Jr., Harrison County Sheriff's Department, Phil Taylor, Catherine Pavolini, and Preston Wills on April 16, 2007.

3. On November, 15, 2007, Defense counsel propounded discovery to the Plaintiff with Responses being due on or before December 18, 2007.

4. The Affiant would state that Pre-Discovery Disclosures and/or discovery responses were never received from Plaintiff.

5. On January 7, 2008, the defense counsel made a good faith effort with Plaintiff to resolve this discovery issue by sending correspondence to Plaintiff with an enclosed Good Faith Certificate.

6. The January 7, 2008, correspondence to Plaintiff gave him with five (5) calendar days, or until January 11, 2008, to either provide Defendants with Plaintiff's discovery responses or to sign the enclosed Certificate and return it to counsel for the Defendants.

7. To date, Defendant has not received Plaintiff's Pre-Discovery Disclosures, discovery responses, nor a signed Good Faith Certificate from the Plaintiff.

WITNESS my signature on this the 17th day of January, 2008.



JON S. TINER

SWORN TO AND SUBSCRIBED BEFORE ME, this the 17 day of January, 2008.



NOTARY PUBLIC

